

Service Date: March 25, 2004

FINAL ORDER NO. 6545

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF Brian David Parks dba)	Docket No. T-03.53.PCN
Medicab , Missoula, Montana, Application for a)	
Montana Intrastate Certificate of Public Convenience)	Order No. 6545
and Necessity.)	

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On November 14, 2003, **Brian David Parks dba Medicab**, Missoula, Montana, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class B – Non-emergency medical and psychiatric patients to medical appointments (1) between all points and places in Silverbow County, Montana and (2) from Silverbow County to Missoula County and return.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public December 10, 2003. That notice said in pertinent part:

If no written protests are received by December 29, 2003, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Joseph L. Garcia dba Mining City Taxi, Butte, Montana, A-1 Ambulance, Inc., Butte, Montana, Albert L. Guay III dba Sunset Limousine Service, Butte, Montana and Charles R. Morgan dba Anaconda, Montana.

4. The protests of Joseph L. Garcia dba Mining City Taxi, Butte, Montana and A-1 Ambulance, Inc., Butte, Montana were withdrawn after the Applicant restrictively amended the application. The amendments are incorporated into the Order granting authority herein.

5. Based on the Applicant's restrictively amended application the Commission dismissed the protests of Albert L. Guay III dba Sunset Limousine Service, Butte, Montana and Charles R. Morgan dba Anaconda Taxi, Anaconda, Montana for lack of good and sufficient cause.

6. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on Tuesday, the 23rd day of March, 2004, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-03.53.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Brian David Parks dba Medicab**, Missoula, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B – Non-emergency medical and psychiatric patients to medical appointments from Silverbow County, Montana to Missoula County and return.

IT IS FURTHER ORDERED that a full, true, and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 23rd day of March, 2004, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGSON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Final Order issued in Docket T-03.53.PCN in the matter of **Brian David Parks dba Medicab**, Missoula, Montana has today been sent to all parties listed.

MAILING DATE: March 25, 2004

FOR THE COMMISSION

FIRST CLASS MAIL

Brian David Parks
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Albert L. Guay
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AS ITS INTERESTS MAY APPEAR:

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